UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,507	11/26/2003	Neil O'Connor	920673-95178	8999

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EXAMINER
PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
2141	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent-ch@btlaw.com

	Application No.	Applicant(s)
Office Action Summary	10/723,507	O'CONNOR ET AL.
	Examiner	Art Unit
	CHIRAG R. PATEL	2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>Janaury 31, 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 3-43</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 3-43</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

Response to Arguments

Applicant's arguments with respect to claims 1 and 3-43 have been considered

but are moot in view of the new ground(s) of rejection. Examiner notes that claim 2 is

cancelled by the applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claims 1, 3-19, 12-22, 26-30, and 32-43 are rejected under 35 U.S.C. 102(e) as

being anticipated by Benjamin et al. – hereinafter Benjamin (US 7,072,966).

As per claims 1, 19, 34, 36-43, Benjamin discloses a method of distributing a

contact across a network having a number of nodes which are equipped to service

contacts, comprising the steps of:

a) generating a contact information entity which is accessible across the network

and which comprises information sufficient to enable each node to determine whether it

has the resources to service the contact, one or more of said nodes being a contact

center having a plurality of agents for servicing contacts, each agent having identified

skills, whereby said contact center can determine whether its agents can service a

given contact, based on said contact information entity and the identified skills of the

contact center's agents; (Col 7 lines 26-46, Figure 6)

b) assessing one or more bids issued by one or more nodes to determine a bid to

be used in assigning the contact; and (Col 1lines 35-47, Col 7 lines 1-25; Figure 5; At

step 158, the active client identifier data is retrieved utilizing the automated agent. The

method then proceeds to step 16)

c) on the basis of said determination, assigning said contact to the node which

issued said bid. (Col 1lines 35-47, Col 4 lines 1-17, Col 7 lines 1-25; Figure 5)

As per claims 3 and 20, Benjamin discloses a method as claimed in claim 1,

wherein said contact information entity is a software object generated in a network

accessible space. (Col 2 line 64-Col 3 line 9)\

As per claims 4, and 21, Benjamin discloses a method as claimed in claim 3,

wherein said network accessible space is a shared memory space, optionally

implemented using JavaSpaces (TM) technology. (Col 3 lines 29-42)

As per claims 5 and 22, Benjamin discloses a method as claimed in claim 3,

wherein the step of generating said contact information entity further comprises

replicating said object in a plurality of said shared memory spaces. (Col 3 lines 29-42)

As per claims 6, and 26, Benjamin discloses a method as claimed in claim 1,

wherein said contact information entity is an entry in a database accessible across a

network. (Col 7 lines 26-46, Figure 6)

As per claims 7 and 27, Benjamin discloses a method as claimed in claim 1,

wherein said bids are issued by the nodes and transmitted directly to a resource on the

network which is responsible for assessing the one or more bids. (Col 4 lines 1-17)

As per claims 8 and 28, Benjamin discloses a method as claimed in claim 1,

wherein said bids are issued by the nodes to an area of the network which is accessible

by a resource on the network which is responsible for assessing the one or more bids.

(Col 1lines 35-47, Col 7 lines 1-25; Figure 5)

As per claims 9 and 29, Benjamin discloses a method as claimed in claim 1,

wherein said contact information entity identifies at least one skillset required to service

the contact. (Col 3 line 55 - Col 4 line 17)

As per claims 10 and 30, Benjamin discloses a method as claimed in claim 1,

wherein said contact information entity identifies at least one parameter according to

which bids will be assessed. (Col 3 line 55- Col 4 line 17)

As per claims 12 and 32, Benjamin discloses a method as claimed in claim 1,
wherein said contact information entity is a software entity which includes a set of rules
according to which a bid score is returned by the contact information entity upon receipt
of one or more bid values. (Col 1 lines 48-57; artithmetic algorithm, Col 3 lines 55-67)

As per claims 13 and 33, Benjamin discloses a method as claimed in claim 12,
wherein said step of assessing one or more bids comprises evaluating the bid scores
returned by the contact information entity. (Col 1 lines 58-67, Col 4 lines 1-17)

As per claims 14, Benjamin discloses a method as claimed in claim 1, wherein
said contact information entity is a software entity which includes executable logic
according to which a bid score is returned by the contact information entity upon receipt
of one or more bid values. (Col 1 lines 48-57, Col 3 lines 55-67)

As per claim 15, Benjamin discloses a method as claimed in claim 14, wherein
the executable logic is provided as an object oriented command pattern. (Col 3 lines
10-17)

As per claim 16, Benjamin discloses a method as claimed in claim 1, wherein
said step of assessing one or more bids comprises maintaining a single winning bid,
evaluating each new bid as it issues from a node and either discarding the new bid if it
is determined to be inferior to the winning bid according to predetermined criteria or
substituting it as the new winning bid if it is determined to be better than the previous
winning bid. (Col 4 lines 1-17; For example, if the preferred service agent station 16
may be unavailable, server 20 removes the service agent record from the ordered list in

order to reduce the queue time of client 12. The next service agent station 16 in the

ordered list is then evaluated for availability.)

As per claim 17, Benjamin discloses a method as claimed in claim 16, wherein

said step of assessing one or more bids comprises collecting all bids which issue within

a timeout period and determining which of these bids is to be used in assigning the

contact. (Col 4 lines 1-17)

As per claim 18, Benjamin discloses a method as claimed in claim 1, wherein

one or more of said nodes is a computer of a user connected to the network, whereby

said user may make a determination as to whether he or she has the skills to service

said contact and as to whether or not to issue a bid. (Col 3 lines 55-67)

As per claim 35, Benjamin discloses a method as claimed in claim 34, wherein

said destination is a remote contact centre which issued one or more of said bids. (Col

5 lines 20-33)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 11 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over

Benjamin (US 7,072,966) in view of Klein et al. – hereinafter Klein (US 6,934,381).

As per claims 11 and 31, Benjamin discloses a method as claimed in claim 10,

wherein said at least one parameter is selected from a skillset proficiency metric, (Col 7

lines 26-46) Benjamin fails to disclose a cost metric and a metric identifying the time

within which the contact is to be serviced. Klein discloses a cost metric and a metric

identifying the time within which the contact is to be serviced. (Col 9 lines 22-32) In

reference to KSR International Co. v. Teleflex Inc., 550 U.S. -, 82 USPQ2d 1385 (2007),

it would have been obvious to add the elements of cost metrics and time within which

the contact is to serviced taught by Klein in the disclosure of Benjamin, as it yield

predictable results for the purpose of enhancing the efficiency of the communication

session and increasing client satisfaction.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Benjamin (US 7,072,966 in view of Rowstron et al. – hereinafter Rowstron (US

6,751,619)

As per claim 23, Benjamin disclose a method as claimed in claim 22. Benjamin

fails to disclose wherein said contact information entity is a JavaSpace entry and the

step of receiving the contact information comprises reading said entries from a

JavaSpace. Rowstron discloses wherein said contact information entity is a JavaSpace

entry and the step of receiving the contact information comprises reading said entries

from a JavaSpace. (Col 2 lines 32-67, Col 3 lines 51-55)   At the time the invention

was made, it would have been obvious to a person of ordinary skill in the art to disclose

a method as claimed in claim 22, wherein said contact information entity is a JavaSpace

entry and the step of receiving the contact information comprises reading said entries

from a JavaSpace in the disclosure of Benjamin. The motivation for doing do would

have been so that the creator of a tuple requires no knowledge about the future use of

that tuple or its destination and because tuples are retrieved using an associative

addressing scheme, multiple address-space-disjoint processes can access tuples in the

same way. (Col 2 lines 54-65)

As per claim 24, Benjamin/ Rowstron discloses a method as claimed in claim 23.

Benjamin fails to disclose wherein the step of issuing a bid comprises modifying said

entry and writing the modified entry in a JavaSpace. Rowstron discloses wherein the

step of issuing a bid comprises modifying said entry and writing the modified entry in a

JavaSpace. (Col 7 lines 48-55)   At the time the invention was made, it would have

been obvious to a person of ordinary skill in the art to disclose wherein the step of

issuing a bid comprises modifying said entry and writing the modified entry in a

JavaSpace in the disclosure of Benjamin. The motivation for doing do would have been

so that the creator of a tuple requires no knowledge about the future use of that tuple or

its destination and because tuples are retrieved using an associative addressing

scheme, multiple address-space-disjoint processes can access tuples in the same way.

(Col 2 lines 54-65)

As per claim 25, Benjamin / Rowstron discloses a method as claimed in claim 23.

Benjamin fails to disclose wherein the step of issuing a bid comprises generating a new

entry including a reference which relates the new entry to the original contact

information entity, and writing the new entry to a JavaSpace.   Rowstron discloses

wherein the step of issuing a bid comprises generating a new entry including a

reference which relates the new entry to the original contact information entity, and

writing the new entry to a JavaSpace. (Col 3 lines 51-55, Col 12 lines 6-16)   At the

time the invention was made, it would have been obvious to a person of ordinary skill in

the art to disclose wherein the step of issuing a bid comprises generating a new entry

including a reference which relates the new entry to the original contact information

entity, and writing the new entry to a JavaSpace in the disclosure of Benjamin. The

motivation for doing do would have been to improve their efficiency of execution on

large, open implementations, particularly on distributed computer systems, so that users

are not unnecessarily blocked from accessing tuples. (Col 3 lines 6-11)

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Chirag R Patel whose telephone number is (571)272-

7966. The examiner can normally be reached on Monday to Friday from 7:30AM to

4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Rupal Dharia, can be reached on (571) 272-3880. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

the Patent Application Information Retrieval (PAIR) system. Status information

for published applications may be obtained from either Private PAIR or Public

PAIR. Status information for unpublished applications is available through

Private PAIR only. For more information about the PAIR system, see

http://pairdirect.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197

(toll free).

/C. R. P./

Examiner, Art Unit 2141

/Jason D Cardone/
Supervisory Patent Examiner, Art Unit 2145